

§ 3017.4

§ 3017.4 Comment deadline(s).

(a) The Commission shall establish a deadline for comments upon establishment of the docket that is consistent with timely submission of the Commission's views to the Secretary of State. The Commission may establish other deadlines for comments as appropriate.

(b) The Commission may suspend or forego solicitation of comments if it determines that such solicitation is not consistent with timely submission of Commission views to the Secretary of State.

§ 3017.5 Commission discretion as to treatment of comments.

The Commission will review timely filed comments responding to a Commission solicitation under this part prior to submitting its views to the Secretary of State.

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AUTHORITY: 39 U.S.C. 503; 3622; 3631; 3642; 3682.

SOURCE: 72 FR 63698, Nov. 9, 2007, unless otherwise noted.

Subpart A—Mail Classification Schedule

EFFECTIVE DATE NOTE: At 81 FR 38954, June 15, 2016, subpart A was revised, effective July 15, 2016. For the convenience of the user, the revised text follows this subpart.

§ 3020.1 Applicability.

(a) The rules in this part provide for establishing product lists. The product lists shall categorize postal products as either market dominant or competitive. As established, the market dominant and competitive product lists will

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be specified in the Mail Classification Schedule and shall be consistent with the market dominant products identified in 39 U.S.C. 3621(a) and the competitive products identified in 39 U.S.C. 3631(a).

(b) Once established, the Mail Classification Schedule may be modified subject to the procedures specified in this part.

§ 3020.10 General.

The Mail Classification Schedule shall consist of two parts. Part One shall specify the list of market dominant products and include the explanatory information specified in § 3020.13(a). Part Two shall specify the list of competitive products and include the explanatory information specified in § 3020.13(b).

§ 3020.11 Initial Mail Classification Schedule.

The initial Mail Classification Schedule shall specify the market dominant and competitive product lists. The Mail Classification Schedule product lists shall reflect the market dominant and competitive product lists identified in 39 U.S.C. 3621(a) and 39 U.S.C. 3631(a) respectively. The explanatory detailed descriptive information specified in § 3020.13(a) and § 3020.13(b) shall be incorporated by subsequent rule-making.

§ 3020.12 Publication of the Mail Classification Schedule.

(a) The Mail Classification Schedule established in accordance with subchapters I, II, and III of chapter 36 of title 39 of the United States Code and this subpart shall appear as Appendix A to this subpart.

(b) *Availability of the Mail Classification Schedule.* Copies of the Mail Classification Schedule, both current and previous issues, are available during regular business hours for reference and public inspection at the Postal Regulatory Commission's Reading Room located at 901 New York Avenue, NW., Suite 200, Washington, DC 20268-0001. The Mail Classification Schedule, both current and previous issues, also is available on the Internet at <http://www.prc.gov>.

§ 3020.13 Contents of the Mail Classification Schedule.

The Mail Classification Schedule shall provide:

(a) The list of market dominant products, including:

(1) The class of each market dominant product;

(2) The description of each market dominant product;

(3) A schedule listing for each market dominant product the current rates and fees;

(4) Where applicable, the identification of a product as a special classification within the meaning of 39 U.S.C. 3622(c)(10) for market dominant products;

(5) Where applicable, the identification of a product as an experimental product undergoing a market test; and

(6) Where applicable, the identification of a product as a non-postal product.

(b) The list of competitive products, including:

(1) The description of each competitive product;

(2) A schedule listing for each competitive product of general applicability the current rates and fees;

(3) The identification of each product not of general applicability within the meaning of 39 U.S.C. 3632(b)(3) for competitive products;

(4) Where applicable, the identification of a product as an experimental product undergoing a market test; and

(5) Where applicable, the identification of a product as a non-postal product.

§ 3020.14 Notice of change.

Whenever the Postal Regulatory Commission modifies the list of products in the market dominant category or the competitive category, it shall cause notice of such change to be published in the FEDERAL REGISTER. The notice shall:

(a) Include the current list of market dominant products and the current list of competitive products appearing in the Mail Classification Schedule;

(b) Indicate how and when the previous product lists have been modified; and

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(c) Describe other changes to the Mail Classification Schedule as necessary.

APPENDIX A TO SUBPART A OF PART 3020—MAIL CLASSIFICATION SCHEDULE

(An asterisk (*) indicates an organizational class or group, not a Postal Service product.)

PART A—MARKET DOMINANT PRODUCTS

1000 MARKET DOMINANT PRODUCT LIST

First-Class Mail*
Single-Piece Letters/Postcards
Presorted Letters/Postcards
Flats
Parcels
Outbound Single-Piece First-Class Mail International
Inbound Letter Post
Standard Mail (Commercial and Nonprofit)*
High Density and Saturation Letters
High Density and Saturation Flats/Parcels
Carrier Route
Letters
Flats
Parcels
Every Door Direct Mail—Retail Periodicals*
In-County Periodicals
Outside County Periodicals
Package Services*
Alaska Bypass Service
Bound Printed Matter Flats
Bound Printed Matter Parcels
Media Mail/Library Mail
Special Services*
Ancillary Services
International Ancillary Services
Address Management Services
Caller Service
Credit Card Authentication
International Reply Coupon Service
International Business Reply Mail Service
Money Orders
Post Office Box Service
Customized Postage
Stamp Fulfillment Services
Negotiated Service Agreements*
Domestic*
PHI Acquisitions, Inc. Negotiated Service Agreement
International*
Inbound Market Dominant Multi-Service Agreements with Foreign Postal Operators 1
Inbound Market Dominant Express Service Agreement 1
Nonpostal Services*
Alliances with the Private Sector to Defray Cost of Key Postal Functions
Philatelic Sales
Market Tests*

PART B—COMPETITIVE PRODUCTS

2000 COMPETITIVE PRODUCT LIST

Domestic Products*
Priority Mail Express
Priority Mail
Parcel Select
Parcel Return Service
First-Class Package Service
Retail Ground
International Products*
Outbound International Expedited Services
Inbound Parcel Post (at UPU rates)
Outbound Priority Mail International
International Priority Airmail (IPA)
International Surface Air List (ISAL)
International Direct Sacks—M-Bags
Outbound Single-Piece First-Class Package International Service
Negotiated Service Agreements*
Domestic*
Priority Mail Express Contract 8
Priority Mail Express Contract 15
Priority Mail Express Contract 16
Priority Mail Express Contract 17
Priority Mail Express Contract 18
Priority Mail Express Contract 19
Priority Mail Express Contract 20
Priority Mail Express Contract 21
Priority Mail Express Contract 22
Priority Mail Express Contract 23
Priority Mail Express Contract 24
Priority Mail Express Contract 25
Priority Mail Express Contract 26
Priority Mail Express Contract 27
Priority Mail Express Contract 28
Priority Mail Express Contract 29
Priority Mail Express Contract 30
Priority Mail Express Contract 31
Priority Mail Express Contract 32
Priority Mail Express Contract 33
Priority Mail Express Contract 34
Priority Mail Express Contract 35
Parcel Return Service Contract 5
Parcel Return Service Contract 6
Parcel Return Service Contract 7
Parcel Return Service Contract 8
Parcel Return Service Contract 9
Parcel Return Service Contract 10
Priority Mail Contract 24
Priority Mail Contract 29
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Priority Mail Express & Priority Mail Contract 14	Priority Mail Express, Priority Mail & First-Class Package Service Contract 7
Priority Mail Express & Priority Mail Contract 16	Priority Mail Express, Priority Mail & First-Class Package Service Contract 8
Priority Mail Express & Priority Mail Contract 17	Priority Mail Express, Priority Mail & First-Class Package Service Contract 9
Priority Mail Express & Priority Mail Contract 18	Priority Mail & First-Class Package Service Contract 2
Priority Mail Express & Priority Mail Contract 19	Priority Mail & First-Class Package Service Contract 3
Priority Mail Express & Priority Mail Contract 20	Priority Mail & First-Class Package Service Contract 4
Priority Mail Express & Priority Mail Contract 21	Priority Mail & First-Class Package Service Contract 5
Priority Mail Express & Priority Mail Contract 22	Priority Mail & First-Class Package Service Contract 6
Priority Mail Express & Priority Mail Contract 23	Priority Mail & First-Class Package Service Contract 7
Priority Mail Express & Priority Mail Contract 24	Priority Mail & First-Class Package Service Contract 8
Priority Mail Express & Priority Mail Contract 25	Priority Mail & First-Class Package Service Contract 9
Priority Mail Express & Priority Mail Contract 26	Priority Mail & First-Class Package Service Contract 10
Priority Mail Express & Priority Mail Contract 27	Priority Mail & First-Class Package Service Contract 11
Priority Mail Express & Priority Mail Contract 28	Priority Mail & First-Class Package Service Contract 12
Parcel Select & Parcel Return Service Contract 3	Priority Mail & First-Class Package Service Contract 13
Parcel Select & Parcel Return Service Contract 5	Priority Mail & First-Class Package Service Contract 14
Parcel Select Contract 2	Priority Mail & First-Class Package Service Contract 15
Parcel Select Contract 5	Priority Mail & First-Class Package Service Contract 16
Parcel Select Contract 7	Outbound International*
Parcel Select Contract 8	Global Expedited Package Services (GEPS) Contracts GEPS 3
Parcel Select Contract 9	Global Bulk Economy (GBE) Contracts
Parcel Select Contract 10	Global Plus Contracts
Parcel Select Contract 11	Global Plus 1C
Parcel Select Contract 12	Global Plus 2C
Parcel Select Contract 13	Global Reseller Expedited Package Contracts
Parcel Select Contract 14	Global Reseller Expedited Package Services 1
Priority Mail—Non-Published Rates	Global Reseller Expedited Package Services 2
Priority Mail—Non-Published Rates 1	Global Reseller Expedited Package Services 3
First-Class Package Service Contract 35	Global Reseller Expedited Package Services 4
First-Class Package Service Contract 36	Global Expedited Package Services (GEPS)—Non-Published Rates
First-Class Package Service Contract 37	Global Expedited Package Services (GEPS)—Non-Published Rates 2
First-Class Package Service Contract 38	Global Expedited Package Services (GEPS)—Non-Published Rates 3
First-Class Package Service Contract 39	Global Expedited Package Services (GEPS)—Non-Published Rates 4
First-Class Package Service Contract 40	Global Expedited Package Services (GEPS)—Non-Published Rates 5
First-Class Package Service Contract 41	Global Expedited Package Services (GEPS)—Non-Published Rates 6
First-Class Package Service Contract 42	Global Expedited Package Services (GEPS)—Non-Published Rates 7
First-Class Package Service Contract 43	
First-Class Package Service Contract 44	
First-Class Package Service Contract 45	
First-Class Package Service Contract 46	
First-Class Package Service Contract 47	
Priority Mail Express, Priority Mail & First-Class Package Service Contract 2	
Priority Mail Express, Priority Mail & First-Class Package Service Contract 3	
Priority Mail Express, Priority Mail & First-Class Package Service Contract 4	
Priority Mail Express, Priority Mail & First-Class Package Service Contract 5	
Priority Mail Express, Priority Mail & First-Class Package Service Contract 6	

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Global Expedited Package Services (GEPS)—
Non-Published Rates 8
Global Expedited Package Services (GEPS)—
Non-Published Rates 9
Global Expedited Package Services (GEPS)—
Non-Published Rates 10
Priority Mail International Regional Rate
Boxes—Non-Published Rates
Outbound Competitive International Mer-
chandise Return Service Agreement with
Royal Mail Group, Ltd.
Priority Mail International Regional Rate
Boxes Contracts Priority Mail Inter-
national Regional Rate Boxes Contracts
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Competitive International Merchandise Re-
turn Service Agreements with Foreign
Postal Operators
Competitive International Merchandise Re-
turn Service Agreements with Foreign
Postal Operators 1
Competitive International Merchandise Re-
turn Service Agreements with Foreign
Postal Operators 2
Inbound International*
International Business Reply Service (IBRS)
Competitive Contracts
International Business Reply Service Com-
petitive Contract 1
International Business Reply Service Com-
petitive Contract 3
Inbound Direct Entry Contracts with Cus-
tomers
Inbound Direct Entry Contracts with For-
eign Postal Administrations
Inbound Direct Entry Contracts with For-
eign Postal Administrations
Inbound Direct Entry Contracts with For-
eign Postal Administrations 1
Inbound EMS
Inbound EMS 2
Inbound Air Parcel Post (at non-UPU rates)
Royal Mail Group Inbound Air Parcel Post
Agreement
Inbound Competitive Multi-Service Agree-
ments with Foreign Postal Operators 1
Special Services*
Address Enhancement Services
Greeting Cards, Gift Cards, and Stationery
International Ancillary Services
International Money Transfer Service—Out-
bound
International Money Transfer Service—In-
bound
Premium Forwarding Service
Shipping and Mailing Supplies
Post Office Box Service
Competitive Ancillary Services
Nonpostal Services*
Advertising
Licensing of Intellectual Property other
than Officially Licensed Retail
Products (OLRP)
Mail Service Promotion
Officially Licensed Retail Products (OLRP)
Passport Photo Service
Photocopying Service

Rental, Leasing, Licensing or other Non-Sale
Disposition of Tangible Property
Training Facilities and Related Services
USPS Electronic Postmark (EPM) Program
Market Tests*
International Merchandise Return Service
(IMRS)—Non-Published Rates Cus-
tomized Delivery

[81 FR 20532, Apr. 8, 2016]

EFFECTIVE DATE NOTE: At 81 FR 38954, June 15, 2016, subpart A was revised, effective July 15, 2016. For the convenience of the user, the revised text is set forth as follows:

Subpart A—Product Lists and the Mail Classification Schedule

§ 3020.1 Applicability.

(a) The rules in this part require the Postal Regulatory Commission to establish and maintain lists of Postal Service products and a Mail Classification Schedule.

(b) The product lists shall categorize postal products as either market dominant or competitive. As established, the market dominant and competitive product lists shall be consistent with the market dominant products identified in 39 U.S.C. 3621(a) and the competitive products identified in 39 U.S.C. 3631(a). The market dominant and competitive product lists shall also include products identified as market tests pursuant to 39 U.S.C. 3641 and nonpostal pursuant to 39 U.S.C. 404(e).

(c) The Mail Classification Schedule shall provide current price and classification information applicable to the products appearing on the market dominant and competitive product lists.

(d) Once established, the product lists and the Mail Classification Schedule may be modified subject to the procedures specified in this part.

§ 3020.2 Product lists.

(a) *Market Dominant Product List.* The market dominant product list shall be published in the FEDERAL REGISTER at Appendix A to subpart A of part 3020—Market Dominant Product List.

(b) *Competitive Product List.* The competitive product list shall be published in the FEDERAL REGISTER at Appendix B to subpart A of part 3020—Competitive Product List.

§ 3020.3 Notice of product list change.

(a) Whenever the Postal Regulatory Commission issues a final order that modifies the list of products in the market dominant category or the competitive category, it shall cause notice of such change to be published in the FEDERAL REGISTER.

(b) Notice shall be submitted to the FEDERAL REGISTER for publication within 6 months of the issue date of the applicable final order that affects the change.

(c) Modifications pending publication in the FEDERAL REGISTER are effective immediately upon written direction from the Postal Regulatory Commission.

(d) The FEDERAL REGISTER document shall:

(1) Identify modifications to the current list of market dominant products and the current list of competitive products; and

(2) Indicate how and when the previous product lists have been modified.

§ 3020.4 Mail Classification Schedule.

(a) The Postal Regulatory Commission shall publish a Mail Classification Schedule (including both current and previous versions) on its Web site at <http://www.prc.gov>. Copies of the Mail Classification Schedule also shall be available during regular business hours for reference and public inspection at the Postal Regulatory Commission located at 901 New York Avenue NW., Suite 200, Washington, DC 20268-0001.

(b) The Mail Classification Schedule shall include, but shall not be limited to:

(1) Front matter, including:

(i) A cover page identifying the title of the document as the Mail Classification Schedule, the source of the document as the Postal Regulatory Commission (including Commission seal), and the publication date;

(ii) A table of contents;

(iii) A table specifying the revision history of the Mail Classification Schedule; and

(iv) A table identifying Postal Service trademarks; and

(2) Information concerning market dominant products, including:

(i) A copy of the Market Dominant Product List;

(ii) Descriptions of each market dominant product organized by the class of product, including:

(A) Where applicable, the general characteristics, size and weight limitations, minimum volume requirements, price categories, and available optional features of each market dominant product;

(B) A schedule listing the rates and fees for each market dominant product;

(C) Where applicable, the identification of a product as a special classification within the meaning of 39 U.S.C. 3622(c)(10) for market dominant products;

(D) Where applicable, the identification of a product as an experimental product undergoing a market test; and

(E) Where applicable, the identification of a product as a nonpostal product; and

(3) Information concerning competitive products, including:

(i) A copy of the competitive product list; and

(ii) Descriptions of each competitive product, including:

(A) Where applicable, the general characteristics, size and weight limitations, minimum volume requirements, price cat-

egories, and available optional features of each competitive product;

(B) A schedule listing the current rates and fees for each competitive product of general applicability;

(C) The identification of each product not of general applicability within the meaning of 39 U.S.C. 3632(b)(3) for competitive products;

(D) Where applicable, the identification of a product as an experimental product undergoing a market test; and

(E) Where applicable, the identification of a product as a nonpostal product; and

(4) A glossary of terms and conditions; and

(5) A list of country codes for international mail prices.

§ 3020.5 Modifications to the Mail Classification Schedule.

(a) Whenever the Postal Regulatory Commission issues a final order that modifies the Mail Classification Schedule, it shall update the Mail Classification Schedule appearing on its Web site at <http://www.prc.gov> in accordance with paragraph (b) of this section.

(b) Modification to the Mail Classification Schedule shall be incorporated within 3 months of the issue date of the final order.

(c) Modifications pending incorporation into the Mail Classification Schedule are effective immediately upon written direction from the Postal Regulatory Commission.

APPENDIX A TO SUBPART A OF PART 3020—MARKET DOMINANT PRODUCT LIST

(An asterisk (*) indicates an organizational group, not a Postal Service product.)

First-Class Mail *
 Single-Piece Letters/Postcards
 Presorted Letters/Postcards
 Flats
 Parcels
 Outbound Single-Piece First-Class Mail
 International
 Inbound Letter Post
 Standard Mail (Commercial and Nonprofit) *
 High Density and Saturation Letters
 High Density and Saturation Flats/Parcels
 Carrier Route
 Letters
 Flats
 Parcels
 Every Door Direct Mail—Retail
 Periodicals *
 In-County Periodicals
 Outside County Periodicals
 Package Services *
 Alaska Bypass Service
 Bound Printed Matter Flats
 Bound Printed Matter Parcels
 Media Mail/Library Mail
 Special Services *
 Ancillary Services
 International Ancillary Services
 Address Management Services

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Caller Service
Credit Card Authentication
International Reply Coupon Service
International Business Reply Mail Service
Money Orders
Post Office Box Service
Customized Postage
Stamp Fulfillment Services
Negotiated Service Agreements*
Domestic*
PHI Acquisitions, Inc. Negotiated Service Agreement
International*
Inbound Market Dominant Multi-Service Agreements with Foreign Postal Operators 1
Inbound Market Dominant Exprés Service Agreement 1
Nonpostal Services*
Alliances with the Private Sector to Defray Cost of Key Postal Functions
Philatelic Sales
Market Tests*

APPENDIX B TO SUBPART A OF PART 3020—COMPETITIVE PRODUCT LIST

(An asterisk (*) indicates an organizational class or group, not a Postal Service product.)

Domestic Products*
Priority Mail Express
Priority Mail
Parcel Select
Parcel Return Service
First-Class Package Service
Retail Ground
International Products*
Outbound International Expedited Services
Inbound Parcel Post (at UPU rates)
Outbound Priority Mail International
International Priority Airmail (IPA)
International Surface Air List (ISAL)
International Direct Sacks—M-Bags
Outbound Single-Piece First-Class Package International Service
Negotiated Service Agreements*
Domestic*
Priority Mail Express Contract 8
Priority Mail Express Contract 15
Priority Mail Express Contract 16
Priority Mail Express Contract 17
Priority Mail Express Contract 18
Priority Mail Express Contract 19
Priority Mail Express Contract 20
Priority Mail Express Contract 21
Priority Mail Express Contract 22
Priority Mail Express Contract 23
Priority Mail Express Contract 24
Priority Mail Express Contract 25
Priority Mail Express Contract 26
Priority Mail Express Contract 27
Priority Mail Express Contract 28
Priority Mail Express Contract 29
Priority Mail Express Contract 30
Priority Mail Express Contract 31
Priority Mail Express Contract 32
Priority Mail Express Contract 33

Priority Mail Express Contract 34
Priority Mail Express Contract 35
Parcel Return Service Contract 5
Parcel Return Service Contract 6
Parcel Return Service Contract 7
Parcel Return Service Contract 8
Parcel Return Service Contract 9
Parcel Return Service Contract 10
Priority Mail Contract 24
Priority Mail Contract 29
Priority Mail Contract 56
Priority Mail Contract 57
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Priority Mail Express & Priority Mail Contract 14
Priority Mail Express & Priority Mail Contract 16
Priority Mail Express & Priority Mail Contract 17
Priority Mail Express & Priority Mail Contract 18
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Priority Mail Express & Priority Mail Contract 20
Priority Mail Express & Priority Mail Contract 21
Priority Mail Express & Priority Mail Contract 22
Priority Mail Express & Priority Mail Contract 23
Priority Mail Express & Priority Mail Contract 24
Priority Mail Express & Priority Mail Contract 25
Priority Mail Express & Priority Mail Contract 26
Priority Mail Express & Priority Mail Contract 27
Priority Mail Express & Priority Mail Contract 28
Parcel Select & Parcel Return Service Contract 3
Parcel Select & Parcel Return Service Contract 5
Parcel Select Contract 2
Parcel Select Contract 5
Parcel Select Contract 7
Parcel Select Contract 8
Parcel Select Contract 9
Parcel Select Contract 10
Parcel Select Contract 11

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Parcel Select Contract 12	Global Expedited Package Services (GEPS) Contracts
Parcel Select Contract 13	GEPS 3
Parcel Select Contract 14	Global Bulk Economy (GBE) Contracts
Priority Mail—Non-Published Rates	Global Plus Contracts
Priority Mail—Non-Published Rates 1	Global Plus 1C
First-Class Package Service Contract 35	Global Plus 2C
First-Class Package Service Contract 36	Global Reseller Expedited Package Contracts
First-Class Package Service Contract 37	Global Reseller Expedited Package Services 1
First-Class Package Service Contract 38	Global Reseller Expedited Package Services 2
First-Class Package Service Contract 39	Global Reseller Expedited Package Services 3
First-Class Package Service Contract 40	Global Reseller Expedited Package Services 4
First-Class Package Service Contract 41	Global Expedited Package Services (GEPS)—Non-Published Rates
First-Class Package Service Contract 42	Global Expedited Package Services (GEPS)—Non-Published Rates 2
First-Class Package Service Contract 43	Global Expedited Package Services (GEPS)—Non-Published Rates 3
First-Class Package Service Contract 44	Global Expedited Package Services (GEPS)—Non-Published Rates 4
First-Class Package Service Contract 45	Global Expedited Package Services (GEPS)—Non-Published Rates 5
First-Class Package Service Contract 46	Global Expedited Package Services (GEPS)—Non-Published Rates 6
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Priority Mail & First-Class Package Service Contract 13	
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Outbound International *	

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Inbound Direct Entry Contracts with Foreign Postal Administrations 1
Inbound EMS
Inbound EMS 2
Inbound Air Parcel Post (at non-UPU rates)
Royal Mail Group Inbound Air Parcel Post Agreement
Inbound Competitive Multi-Service Agreements with Foreign Postal Operators 1
Special Services*
Address Enhancement Services
Greeting Cards, Gift Cards, and Stationery
International Ancillary Services
International Money Transfer Service—Outbound
International Money Transfer Service—Inbound
Premium Forwarding Service
Shipping and Mailing Supplies
Post Office Box Service
Competitive Ancillary Services
Nonpostal Services*
Advertising
Licensing of Intellectual Property other than Officially Licensed Retail Products (OLRP)
Mail Service Promotion
Officially Licensed Retail Products (OLRP)
Passport Photo Service
Photocopying Service
Rental, Leasing, Licensing or other Non-Sale Disposition of Tangible Property
Training Facilities and Related Services
USPS Electronic Postmark (EPM) Program
Market Tests*
International Merchandise Return Service (IMRS)—Non-Published Rates
Customized Delivery

Subpart B—Requests Initiated by the Postal Service To Modify the Product Lists Described Within the Mail Classification Schedule

EFFECTIVE DATE NOTE: At 81 FR 38957, June 15, 2016, the heading of subpart B was revised, effective July 15, 2016. For the convenience of the user, the revised text is set forth as follows:

Subpart B—Requests Initiated by the Postal Service To Modify the Product Lists

§ 3020.30 General.

The Postal Service, by filing a request with the Commission, may propose a modification to the market dominant product list or the competi-

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tive product list appearing in the Mail Classification Schedule. For purposes of this part, modification shall be defined as adding a product to a list, removing a product from a list, or moving a product from one list to the other list.

EFFECTIVE DATE NOTE: At 81 FR 38957, June 15, 2016, § 3020.30 was revised, effective July 15, 2016. For the convenience of the user, the revised text is set forth as follows:

§ 3020.30 General.

The Postal Service, by filing a request with the Commission, may propose a modification to the market dominant product list or the competitive product list. For purposes of this part, modification shall be defined as adding a product to a list, removing a product from a list, or moving a product from one list to the other list.

§ 3020.31 Contents of a request.

A request to modify the market dominant product list or the competitive product list shall:

(a) Provide the name, and class if applicable, of each product that is the subject of the request;

(b) Provide a copy of the Governor's decision supporting the request, if any;

(c) Indicate whether the request proposes to add a product to the market dominant list or the competitive list, remove a product from the market dominant list or the competitive list, or transfer a product from the market dominant list to the competitive list or from the competitive list to the market dominant list;

(d) Indicate whether each product that is the subject of the request is:

(1) A special classification within the meaning of 39 U.S.C. 3622(c)(10) for market dominant products;

(2) A product not of general applicability within the meaning of 39 U.S.C. 3632(b)(3) for competitive products; or

(3) A non-postal product.

(e) Provide all supporting justification upon which the Postal Service proposes to rely; and

(f) Include a copy of the applicable sections of the Mail Classification Schedule and the proposed changes therein in legislative format.

§ 3020.32 Supporting justification.

Supporting justification shall be in the form of a statement from one or

more knowledgeable Postal Service official(s) who sponsors the request and attests to the accuracy of the information contained within the statement. The justification shall:

(a) Demonstrate why the change is in accordance with the policies and the applicable criteria of chapter 36 of title 39 of the United States Code;

(b) Explain why, as to market dominant products, the change is not inconsistent with each requirement of 39 U.S.C. 3622(d), and that it advances the objectives of 39 U.S.C. 3622(b), taking into account the factors of 39 U.S.C. 3622(c);

(c) Explain why, as to competitive products, the addition, deletion, or transfer will not result in the violation of any of the standards of 39 U.S.C. 3633;

(d) Verify that the change does not classify as competitive a product over which the Postal Service exercises sufficient market power that it can, without risk of losing a significant level of business to other firms offering similar products:

(1) Set the price of such product substantially above costs;

(2) Raise prices significantly;

(3) Decrease quality; or

(4) Decrease output.

(e) Explain whether or not each product that is the subject of the request is covered by the postal monopoly as reserved to the Postal Service under 18 U.S.C. 1696 subject to the exceptions set forth in 39 U.S.C. 601;

(f) Provide a description of the availability and nature of enterprises in the private sector engaged in the delivery of the product;

(g) Provide any information available on the views of those who use the product on the appropriateness of the proposed modification;

(h) Provide a description of the likely impact of the proposed modification on small business concerns; and

(i) Include such information and data, and such statements of reasons and bases, as are necessary and appropriate to fully inform the Commission of the nature, scope, significance, and impact of the proposed modification.

§ 3020.33 Docket and notice.

The Commission will establish a docket for each request to modify the market dominant list or the competitive product list, promptly publish notice of the request in the FEDERAL REGISTER, and post the filing on its Web site. The notice shall include:

(a) The general nature of the proceeding;

(b) A reference to legal authority to which the proceeding is to be conducted;

(c) A concise description of the proposals for changes in the Mail Classification Schedule;

(d) The identification of an officer of the Commission to represent the interests of the general public in the docket;

(e) A specified period for public comment; and

(f) Such other information as the Commission deems appropriate.

§ 3020.34 Review.

The Commission shall review the request and responsive comments. The Commission shall either:

(a) Approve the request to modify the market dominant and competitive product lists;

(b) Institute further proceedings to consider all or part of the request if it finds that there is substantial likelihood that the modification is inconsistent with statutory policies or Commission rules, and explain its reasons for not approving the request to modify the market dominant and competitive product lists;

(c) Provide an opportunity for the Postal Service to modify its request; or

(d) Direct other action as the Commission may consider appropriate.

§ 3020.35 Further proceedings.

If the Commission determines that further proceedings are necessary, a conference shall be scheduled to consider the concerns expressed by the Commission. Written statements commenting on the Commission's concerns shall be requested, to be filed 7 days prior to the conference. Upon conclusion of the conference, the Commission shall promptly issue a ruling to:

(a) Provide for a period of discovery to obtain further information;

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(b) Schedule a hearing on the record for further consideration of the request;

(c) Explain the reasons for not going forward with additional proceedings and approve the request to modify the market dominant and competitive product lists; or

(d) Direct other action as the Commission may consider appropriate.

Subpart C—Requests Initiated by Users of the Mail To Modify the Product Lists Described Within the Mail Classification Schedule

EFFECTIVE DATE NOTE: At 81 FR 38957, June 15, 2016, the heading of subpart C was revised, effective July 15, 2016. For the convenience of the user, the revised text is set forth as follows:

Subpart C—Requests Initiated by Users of the Mail to Modify the Product Lists

§ 3020.50 General.

Users of the mail, by filing a request with the Commission, may propose a modification to the market dominant product list or the competitive product list appearing in the Mail Classification Schedule. For purposes of this part, modification shall be defined as adding a product to a list, removing a product from a list, or transferring a product from one list to the other list.

EFFECTIVE DATE NOTE: At 81 FR 38957, June 15, 2016, § 3020.50 was revised, effective July 15, 2016. For the convenience of the user, the revised text is set forth as follows:

§ 3020.50 General.

Users of the mail, by filing a request with the Commission, may propose a modification to the market dominant product list or the competitive product list. For purposes of this part, modification shall be defined as adding a product to a list, removing a product from a list, or transferring a product from one list to the other list.

§ 3020.51 Contents of a request.

A request to modify the market dominant product list or the competitive product list shall:

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(a) Provide the name, and class if applicable, of each product that is the subject of the request;

(b) Indicate whether the request proposes to add a product to the market dominant list or the competitive list, remove a product from the market dominant list or the competitive list, or move a product from the market dominant list to the competitive list or from the competitive list to the market dominant list;

(c) Indicate whether each product that is the subject of the request is:

(1) A special classification within the meaning of 39 U.S.C. 3622(c)(10) for market dominant products;

(2) A product not of general applicability within the meaning of 39 U.S.C. 3632(b) for competitive products; or

(3) A non-postal product.

(d) Provide all supporting justification upon which the proponent of the request proposes to rely; and

(e) Include a copy of the applicable sections of the Mail Classification Schedule and the proposed changes therein in legislative format.

§ 3020.52 Supporting justification.

Supporting justification shall be in the form of a statement from a knowledgeable proponent of the request who attests to the accuracy of the information contained within the statement. The justification shall:

(a) Demonstrate why the change is in accordance with the policies and the applicable criteria of chapter 36 of 39 U.S.C.;

(b) Explain why, as to market dominant products, the change is not inconsistent with each requirement of 39 U.S.C. 3622(d), and that it advances the objectives of 39 U.S.C. 3622(b), taking into account the factors of 39 U.S.C. 3622(c);

(c) Explain why, as to competitive products, the addition, deletion, or transfer will not result in the violation of any of the standards of 39 U.S.C. 3633.

(d) Verify that the change does not classify as competitive a product over which the Postal Service exercises sufficient market power that it can, without risk of losing a significant level of business to other firms offering similar products:

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- (1) Set the price of such product substantially above costs;
- (2) Raise prices significantly;
- (3) Decrease quality; or
- (4) Decrease output.
- (e) Explain whether or not each product that is the subject of the request is covered by the postal monopoly, as reserved to the Postal Service under 18 U.S.C. 1696 subject to the exceptions set forth in 39 U.S.C. 601;
- (f) Provide a description of the availability and nature of enterprises in the private sector engaged in the delivery of the product;
- (g) Provide any information available on the views of those who use the product on the appropriateness of the proposed modification;
- (h) Provide a description of the likely impact of the proposed modification on small business concerns; and
- (i) Include such information and data, and such statements of reasons and bases, as are necessary and appropriate to fully inform the Commission of the nature, scope, significance, and impact of the proposed modification.

§ 3020.53 Docket and notice.

The Commission will establish a docket for each request to modify the market dominant list or the competitive product list, promptly publish notice of the request in the FEDERAL REGISTER, and post the filing on its Web site. The notice shall include:

- (a) The general nature of the proceeding;
- (b) A reference to legal authority to which the proceeding is to be conducted;
- (c) A concise description of the proposals for changes in the Mail Classification Schedule;
- (d) The identification of an Office of the Commission to represent the interests of the general public in the docket;
- (e) A specified period for public comment; and
- (f) Such other information as the Commission deems appropriate.

§ 3020.54 Postal Service notice and reply.

The Secretary of the Commission shall forward to the Postal Service a copy of the request. Within 28 days of the filing of the request, the Postal

Service shall provide its preliminary views in regard to the request. The Postal Service may include suggestions for appropriate Commission action in response to the request.

§ 3020.55 Review.

The Commission shall review the request, the Postal Service reply, and any public comment to determine whether the proposed modification to the market dominant and competitive product lists complies with applicable statutory requirements and the Commission's rules, and whether the proposed modification is consistent with the position of the Postal Service as expressed in its reply. The Commission shall either:

- (a) Approve the request to modify the market dominant and competitive product lists, but only to the extent the modification is consistent with the position of the Postal Service;
- (b) Reject the request;
- (c) Institute further proceedings to consider the request to modify the market dominant and competitive product lists; or
- (d) Direct other action as the Commission may consider appropriate.

§ 3020.56 Further proceedings.

If the Commission determines that further proceedings are necessary, a conference shall be scheduled to consider the merits of going forward with the request. Upon conclusion of the conference, the Commission shall promptly issue a ruling to:

- (a) Provide for a period of discovery to obtain further information;
- (b) Schedule a hearing on the record for further consideration of the request;
- (c) Explain the reasons for not going forward with formal proceedings; or
- (d) Direct other action as the Commission may consider appropriate.

Subpart D—Proposal of the Commission To Modify the Product Lists Described Within the Mail Classification Schedule

EFFECTIVE DATE NOTE: At 81 FR 38957, June 15, 2016, the heading of subpart D was revised, effective July 15, 2016. For the convenience of the user, the revised text is set forth as follows:

Subpart D—Proposal of the Commission to Modify the Product Lists

§ 3020.70 General.

The Commission, of its own initiative, may propose a modification to the market dominant product list or the competitive product list provided within the Mail Classification Schedule. For purposes of this part, modification shall be defined as adding a product to a list, removing a product from a list, or transferring a product from one list to the other list.

EFFECTIVE DATE NOTE: At 81 FR 38957, June 15, 2016, § 3020.70 was revised, effective July 15, 2016. For the convenience of the user, the revised text is set forth as follows:

§ 3020.70 General.

The Commission, of its own initiative, may propose a modification to the market dominant product list or the competitive product list. For purposes of this part, modification shall be defined as adding a product to a list, removing a product from a list, or transferring a product from one list to the other list.

§ 3020.71 Contents of a proposal.

A proposal to modify the market dominant product list or the competitive product list shall:

- (a) Provide the name, and class if applicable, of each product that is the subject of the proposal;
- (b) Indicate whether the proposal would add a product to the market dominant list or the competitive list, remove a product from the market dominant list or the competitive list, or move a product from the market dominant list to the competitive list or from the competitive list to the market dominant list;
- (c) Indicate whether each product that is the subject of the proposal is:

- (1) A special classification within the meaning of 39 U.S.C. 3622(c)(10) for market dominant products;

- (2) A product not of general applicability within the meaning of 39 U.S.C. 3632(b) for competitive products; or

- (3) A non-postal product.

- (d) Provide justification supporting the proposal; and

- (e) Include a copy of the applicable sections of the Mail Classification Schedule and the proposed changes therein in legislative format.

§ 3020.72 Supporting justification.

Supporting justification shall:

- (a) Provide an explanation for initiating the docket;

- (b) Explain why, as to market dominant products, the change is not inconsistent with each requirement of 39 U.S.C. 3622(d), and that it advances the objectives of 39 U.S.C. 3622(b), taking into account the factors of 39 U.S.C. 3622(c);

- (c) Explain why, as to competitive products, the addition, subtraction, or transfer will not result in the violation of any of the standards of 39 U.S.C. 3633;

- (d) Verify that the change does not classify as competitive a product over which the Postal Service exercises sufficient market power that it can, without risk of losing a significant level of business to other firms offering similar products:

- (1) Set the price of such product substantially above costs;

- (2) Raise prices significantly;

- (3) Decrease quality; or

- (4) Decrease output.

- (e) Explain whether or not each product that is the subject of the request is covered by the postal monopoly as reserved to the Postal Service under 18 U.S.C. 1696 subject to the exceptions set forth in 39 U.S.C. 601;

- (f) Provide a description of the availability and nature of enterprises in the private sector engaged in the delivery of the product;

- (g) Provide any information available on the views of those who use the product involved on the appropriateness of the proposed modification;

- (h) Provide a description of the likely impact of the proposed modification on small business concerns; and

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(i) Include such information and data, and such statements of reasons and bases, as are necessary and appropriate to fully inform the Postal Service and users of the mail of the nature, scope, significance, and impact of the proposed modification.

§ 3020.73 Docket and notice.

The Commission will establish a docket for each request to modify the market dominant list or the competitive product list, promptly publish notice of the request in the FEDERAL REGISTER, and post the filing on its Web site. The notice shall include:

- (a) The general nature of the proceeding;
- (b) A reference to legal authority to which the proceeding is to be conducted;
- (c) A concise description of the proposals for changes in the Mail Classification Schedule;
- (d) The identification of an officer of the Commission to represent the interests of the general public in the docket;
- (e) A specified period for public comment; and
- (f) Such other information as the Commission deems appropriate.

§ 3020.74 Postal Service notice and reply.

The Secretary of the Commission shall forward to the Postal Service a copy of the notice of proposal. Within 28 days of the filing of the proposal, the Postal Service shall provide its preliminary views in regard to the proposal. The Postal Service may include suggestions for appropriate further procedural steps.

§ 3020.75 Review.

The Commission shall review the Postal Service reply and public comment. The Commission shall either:

- (a) Approve the proposal to modify the market dominant and competitive product lists, but only to the extent the modification is consistent with the position of the Postal Service;
- (b) Withdraw the proposal;
- (c) Institute further proceedings to consider the proposal, identifying relevant issues that may require further development; or

(d) Direct other action as the Commission may consider appropriate.

§ 3020.76 Further proceedings.

If the Commission determines that further proceedings are appropriate, a conference shall be scheduled to consider the merits of going forward with the proposal. Upon conclusion of the conference, the Commission shall promptly issue a ruling to:

- (a) Provide for a period of discovery to obtain further information;
- (b) Schedule a hearing on the record for further consideration of the proposal;
- (c) Explain the reasons for not going forward with formal proceedings; or
- (d) Direct other action as the Commission may consider appropriate.

Subpart E—Requests Initiated by the Postal Service To Make Material Changes or Minor Corrections to the Mail Classification Schedule

SOURCE: 80 FR 35575, June 22, 2015, unless otherwise noted.

§ 3020.80 Material changes to product descriptions.

(a) Whenever the Postal Service proposes material changes to a product description in the Mail Classification Schedule, no later than 30 days prior to implementing the proposed changes, it shall submit to the Commission a request to change the product description in the Mail Classification Schedule.

(b) The request shall:

- (1) Include a copy of the applicable sections of the Mail Classification Schedule and the proposed changes therein in legislative format; and
- (2) Provide all supporting justification for the changes upon which the Postal Service proposes to rely.

§ 3020.81 Supporting justification for material changes to product descriptions.

(a) Supporting justification for changes to a product description in the Mail Classification Schedule shall include a description of, and rationale

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for, the proposed changes to the product description; and the additional material in paragraphs (b) and (c) of this section.

(b)(1) As to market dominant products, explain why the changes are not inconsistent with each requirement of 39 U.S.C. 3622(d) and part 3010 of this chapter; or

(2) As to competitive products, explain why the changes will not result in the violation of any of the standards of 39 U.S.C. 3633 and part 3015 of this chapter.

(c) Describe the likely impact that the changes will have on users of the product and on competitors.

§ 3020.82 Docket and notice of material changes to product descriptions.

(a) The Commission shall take the actions identified in paragraphs (b) through (e) of this section.

(b) Establish a docket for each request to change a product description in the Mail Classification Schedule;

(c) Publish notice of the request on its Web site;

(d) Designate an officer of the Commission to represent the interests of the general public in the docket; and

(e) Provide interested persons with an opportunity to comment on whether the proposed changes are consistent with title 39 and applicable Commission regulations.

§ 3020.83 Commission review of material changes to product descriptions.

(a) The Commission shall review the request and any comments filed. The Commission shall take one of the actions identified in paragraphs (b) through (g) of this section.

(b) Approve the proposed changes, subject to editorial corrections, and change the Mail Classification Schedule to coincide with the effective date of the proposed change;

(c) Reject the proposed changes;

(d) Provide the Postal Service with an opportunity to amend the proposed changes;

(e) Direct the Postal Service to make an appropriate filing under a different section;

(f) Institute further proceedings; or

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(g) Direct other action that the Commission considers appropriate.

§§ 3020.84–3020.89 [Reserved]

§ 3020.90 Minor corrections to product descriptions.

(a) The Postal Service shall ensure that product descriptions in the Mail Classification Schedule accurately represent the current offerings of the Postal Service.

(b) The Postal Service shall submit minor corrections to product descriptions in the Mail Classification Schedule by filing notice with the Commission no later than 15 days prior to the effective date of the proposed corrections.

(c) The notice shall:

(1) Explain why the proposed corrections do not constitute material changes to the product description for purposes of § 3020.80;

(2) Explain why the proposed corrections are consistent with any applicable provisions of title 39; and

(3) Include a copy of the applicable sections of the Mail Classification Schedule and the proposed corrections therein in legislative format.

§ 3020.91 Docket and notice of minor corrections to product descriptions.

(a) The Commission shall take the actions identified in paragraphs (b) through (e) of this section.

(b) Establish a docket for each proposal to correct a product description in the Mail Classification Schedule;

(c) Publish notice of the proposal on its Web site;

(d) Designate an officer of the Commission to represent the interests of the general public in the docket; and

(e) Provide interested persons with an opportunity to comment on whether the proposed corrections are consistent with title 39 and applicable Commission regulations.

§ 3020.92 Commission review of minor corrections to product descriptions.

(a) The Commission shall review the notice and any comments filed. The Commission shall take one of the actions identified in paragraphs (b) through (g) of this section.

(b) Approve the proposed corrections, subject to editorial corrections, and

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change the Mail Classification Schedule to coincide with the effective date of the proposed change;

(c) Reject the proposed corrections;

(d) Provide the Postal Service with an opportunity to amend the proposed corrections;

(e) Direct the Postal Service to make an appropriate filing under a different section;

(f) Institute further proceedings; or

(g) Direct other action that the Commission considers appropriate.

Subpart F—Size and Weight Limitations for Mail Matter

§ 3020.110 General.

Applicable size and weight limitations for mail matter shall appear in the Mail Classification Schedule as part of the description of each product.

§ 3020.111 Limitations applicable to market dominant mail matter.

(a) The Postal Service shall inform the Commission of updates to size and weight limitations for market dominant mail matter by filing notice with the Commission 45 days prior to the effective date of the proposed update. The notice shall include a copy of the applicable sections of the Mail Classification Schedule and the proposed updates therein in legislative format.

(b) The Commission shall provide notice of the proposed update in the FEDERAL REGISTER and seek public comment on whether the proposed update is in accordance with the policies and the applicable criteria of chapter 36 of title 39 of the United States Code.

(c) If the Commission finds the proposed update in accordance with the policies and the applicable criteria of chapter 36 of 39 U.S.C., the Commission shall review the proposed Mail Classification Schedule language for formatting and conformance with the structure of the Mail Classification Schedule, and subject to editorial changes, shall change the Mail Classification Schedule to coincide with the effective date of the proposed update.

(d) If the Commission finds the proposed update not in accordance with the policies and the applicable criteria of chapter 36 of title 39 of the United States Code, the Commission may di-

rect other action as deemed appropriate.

§ 3020.112 Limitations applicable to competitive mail matter.

The Postal Service shall notify the Commission of updates to size and weight limitations for competitive mail matter pursuant to subpart E of this part.

PART 3025—RULES FOR APPEALS OF POSTAL SERVICE DETERMINATIONS TO CLOSE OR CONSOLIDATE POST OFFICES

Sec.

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AUTHORITY: 39 U.S.C. 404(d).

SOURCE: 77 FR 6679, Feb. 9, 2012, unless otherwise noted.

§ 3025.1 Definitions.

The following definitions apply in this part:

(a) *Final determination* means the written determination and findings required by 39 U.S.C. 404(d)(3).

(b) *Petitioner* means a person who files a Petition for Review.

(c) *Petition for Review* means a written document that the Commission accepts as an appeal of a post office closing or consolidation.

§ 3025.2 Applicability.

(a) The rules in this part apply when:

(1) The Postal Service decides to close or consolidate a post office, and

(2) A patron of that post office appeals the closing or consolidation.